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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,284	11/26/2003	Debargha Mukherjee	200310816-1	1159
22879 7590 02/15/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER BATES, KEVIN T	
			ART UNIT 2153	PAPER NUMBER
			NOTIFICATION DATE 02/15/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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AK

Office Action Summary

Application No.

10/724,284

Applicant(s)

MUKHERJEE ET AL.

Examiner

Kevin Bates

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 37-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 and 33-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on December 18, 2007.

Claims 1-10, 20-32, and 36 have been cancelled.

Claims 37-43 have been newly added.

Claims 11-19 and 33-35 have been amended.

Claims 11-19, 33-35, and 37-43 are pending in this application.

Election/Restrictions

Newly submitted claims 37-43 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 11, 33, and 34 are generic to the following disclosed patentably distinct species.

Species 1, includes claims 12-19 and corresponds to the invention of using multivariate functions and attribute values to select an adaptation point to scale an encoded bitstream.

Species 2, includes claims 37-43 and corresponds to the invention of further defining the bitstream as containing a hierarchical model and ordered constants in an expression stack.

The species are independent or distinct because species one only describes an embodiment of the invention where the bitstream is further described as containing an expression stack and the species further limits the operation of that expression stack.

Species 2 describes the embodiment where a multivariate function is used to determine the adaptation of the bitstream, but relates in no way to the existence or operation of an expression stack.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 37-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-19 and 33-34 are rejected under 35 U.S.C. 102(b as being anticipated by Kalra (5953506)

Regarding claims 11, 33, and 34, Kalra teaches a machine-implemented method, comprising:

receiving a scalable encoded bitstream comprising scalable encoded media data and values of non-media-type-specific scalability attributes corresponding to different adaption points of the scalable encoded media data (Column 18, lines 47 – 63);

selecting an adaptation point for the scalable encoded bitstream without regard to the scalable encoded media data, wherein the selecting comprises comparing adaptation measures computed from ones of the scalability attribute values to receiving attributes specifying constraints on the adaptation measures for a destination of the scalable encoded bitstream (Column 15, lines 51 – 54; Column 16, lines 20 – 24; lines 37-42; lines 53 – 58); and

transcoding the scalable bitstream in accordance with the selected adaptation point to produce a scaled version of the scalable encoded bitstream (Column 16, line 49 – Column 17, lines 8; Column 3, line 66 – Column 4, line 6).

Regarding claim 12, Kalra teaches the method of claim 11, wherein the selecting comprises determining at least one of the adaptation measures based at least in part on a multivariate function comprising a linear combination of products of univariate functions of ones of the scalability attribute values (Column 17, lines 15 – 55).

Regarding claim 13, Kalra teaches the method of claim 12, wherein the selecting comprises comparing the at least one adaptation measure to at least one constraint on the multivariate function (Column 16, lines 53 - 61).

Regarding claim 14, Kalra teaches the method of claim 11, wherein the selecting comprises comparing ones of the adaptation measures to ones of the receiving attributes specifying limit constraints (Column 16, lines 37 – 42; lines 53 - 61).

Regarding claim 15, Kalra teaches the method of claim 11, wherein the receiving attributes specified comprise optimization constraints applicable to functions of said receiving attributes (Column 17, lines 15 – 55).

Regarding claim 16, Kalra teaches the method of claim 13, wherein the products comprise product terms and the selecting comprises evaluating the multivariate function based on ones of the receiving attributes specifying at least one of:
a number of product terms in the linear combination; a number of elements in each product term; attribute codes for attributes in each product term; function codes for the univariate functions of the attribute values; and multipliers for the linear combination (Column 17, lines 15 – 55).

Regarding claim 17, Kalra teaches the method of claim 14, wherein the selecting comprises comparing ones of the adaptation measures to ones of the limit constraints specifying for at least one of one of the adaptation measures at least one of a maximum values and a minimum values supportable by the receiving destination (Column 15, lines 51 – 65).

Regarding claim 18, Kalra teaches the method of claim 15, wherein the selecting comprises selecting the adaptation point in accordance with at least one of the optimization constraints specifying at least one of a maximization and a minimization of a respective one of the adaptation measures (Column 16, lines 2 – 17).

Regarding claim 19, Kalra teaches the method of claim 11, wherein the selecting comprises determining at least one of the adaptation measures based at least in part on an evaluation of a stack function comprising operations, and variables corresponding to ones of the scalability attributes (Column 17, lines 15 – 55).

Response to Arguments

Applicant's arguments with respect to claims 1, 33, and 34 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5724494 issued to Politis, because it teaches using an expression stack when dealing with media.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

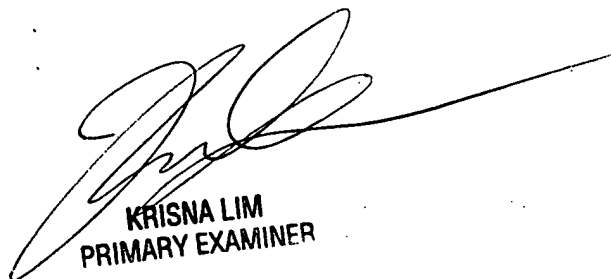
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Q T BT

Kevin Bates
February 7, 2008



KRISNA LIM
PRIMARY EXAMINER